

SENATE BILL No. 150

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-39-10-1.

Synopsis: Senior prosecuting attorneys. Provides that a deputy prosecuting attorney who was employed as a Title IV-D prosecutor may be appointed as a senior prosecuting attorney to charge and prosecute nonsupport of a child cases.

Effective: July 1, 2016.

Bassler

January 5, 2016, read first time and referred to Committee on Judiciary.



Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 150

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 33-39-10-1, AS ADDED BY P.L.57-2014,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 1. (a) A person may be appointed as a senior
4 prosecuting attorney if the person:
5 (1) was employed for at least eight (8) years as a:
6 (A) prosecuting attorney;
7 (B) chief deputy prosecuting attorney;
8 (C) deputy prosecuting attorney appointed under IC 33-39-6-2;
9 or
10 (D) deputy prosecuting attorney employed full time to perform
11 activities described in IC 31-25-4-13.1(b), subject to
12 subsection (d); and
13 (2) files an affidavit requesting designation as a senior
14 prosecuting attorney in:
15 (A) the circuit court; and
16 (B) each superior court;
17 in a county in which the person is willing to serve as a senior



prosecuting attorney.

A person who files an affidavit under this subsection shall file a request to withdraw from being appointed as a senior prosecuting attorney when the person is no longer willing to serve as a senior prosecuting attorney.

(b) An affidavit filed under subsection (a) must contain the following:

(1) The name of the person filing the affidavit.

(2) The person's attorney number issued by the supreme court.

(3) The length of time the person served, as described in subsection (a)(1).

(4) The name of any county in which the person served, as described in subsection (a)(1).

(c) A circuit court or superior court promptly shall forward each:

(1) affidavit; and

(2) request to withdraw;

received under subsection (a) to the prosecuting attorneys council of Indiana. The prosecuting attorneys council of Indiana shall maintain and publish a list of persons who are eligible to be appointed under this section as senior prosecuting attorneys.

(d) A deputy prosecuting attorney who was employed full time to perform activities described in IC 31-25-4-13.1(b) may be appointed to serve as a senior prosecuting attorney only to perform activities:

(1) described in IC 31-25-4-13.1(b); and

(2) related to the charging and the prosecution of cases involving violations of IC 35-46-1-5 (nonsupport of a child).

(e) A person may not be appointed as a senior prosecuting attorney under this section if a disciplinary sanction has been imposed on the person by:

(1) the Indiana supreme court disciplinary commission; or

(2) a similar body in another state;

that restricts the person's ability to practice law.

